

REMARKS

Claims 1-23 are pending in the application. Claims 1, 13, 22, and 23 are the independent claims. In an advisory action dated March 1, 2006, it was stated that amendments to claims 1-23 as presented in a reply dated Feb. 8, 2006 were entered, but did not place the application in condition for allowance. Claims 1-23 as presented therein were allegedly obvious over U.S. Pat. 6,327,614 (Asano) in view of U.S. Pat. App. 2004/0024941 (Olarig), for the reasons provided in the advisory action. Claims 1, 13, 22, and 23 have been amended herein, and applicants submit that all claims are in condition for allowance for the reasons provided below.

Obviousness rejections under 35 U.S.C § 103(a) require that the reference (or combination of references) disclose every element of the claim. As stated in the MPEP, "the prior art references (or references when combined) must teach or suggest all the claim limitations." MPEP § 706.02(j). Also, "[o]bviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art." MPEP 2143.01.

The official action dated Dec. 8, 2005 acknowledges on page 5 that Asano does not mention providing a cache that is hot swappable. Instead, the official action stated (also on page 5) that Olarig discloses a method and apparatus to allow cache memory modules to be inserted and/or removed without shutting down the power of the system.

To address this concern, applicants pointed out in their response dated Feb. 8, 2006 that certain limitations of the claims require the entire adaptable cache to be hot-swappable, not just the cache memory (electronic storage media) portion of the adaptable cache.

If applicants correctly understand the advisory action of Mar. 1, 2006, it alleges that Olarig's cache modules do in fact contain a data interface, core logic, and electronic storage media, and therefore all of these elements are hot swappable as a whole, e.g. when a one of Olarig's cache modules is inserted or removed. Applicants would like further evidence, including specific references to Olarig, to explicitly demonstrate the advisory action's

DOCKET NO.: IVBU-0126
Application No.: 10/609,433
Advisory Action Dated: March 1, 2006

PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.114


assertion that Olarig's cache modules in fact comprise a data interface, core logic, and electronic storage media.

However, regardless of whether Olarig in fact discloses such limitations, the claims as presented above readily define over Asano and Olarig because they comprise a hot-swappable adaptable cache that is configured to dynamically accept algorithms that define or alter its operating characteristics without disrupting the operation of the media server.

Applicants respectfully request acknowledgment of the drawings filed on June 27, 2003 as formal.

Applicants respectfully request reconsideration of the outstanding rejection and await Examiner's action upon further review and consideration. Applicants' attorney, Nathaniel Ari Long, can be reached at 206-332-1380 to further discuss and resolve any outstanding issues relating to this application.

Date: March 23, 2006


Nathaniel Ari Long
Registration No. 53,233

Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439